

## II. Recommendations

### *Recommendations for the pre-election period*

#### **To the government of the Democratic Republic of Congo**

- **Protect street children during the electoral period.** The government should remind political parties of their obligations under the national code of conduct and prohibit them from using children in activities that expose them to danger. Working with national and international child protection agencies, the government should use existing urban networks to approach street children and warn them of the risks involved in participating in political protests.
- **Ensure that law enforcement personnel, when policing political demonstrations, respect the right to peaceful protest.** If required by the situation to resort to force, the police and military should apply non-violent means before resorting to the use of weapons, including firearms and, if such resort is necessary, restrict such force to the absolute minimum necessary. Particular care should be used to protect children from injury and harm. Law enforcement officers should abide by international standards governing police conduct as set forth in the United Nations (U.N.) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the U.N. Code of Conduct for Law Enforcement Officials.
- **Train and educate all police on issues affecting street children.** Sensitize police to the special needs of children to ensure that rights accorded to children are enforced. Special attention must be placed on the protection of street children from adults who physically and sexually abuse them.
- **End the practice of arbitrary arrest and roundups of street children.** The government should amend or repeal colonial-era juvenile delinquency laws that criminalize children for vagrancy and begging. Instead, the government should promote family reintegration and assistance to vulnerable children.

#### **To United Nations Agencies working in the DRC including the U.N. Mission in the DRC (MONUC)**

- **Work with the government to protect street children during the electoral period.** Building on some initial success in preventing street children from political abuse during the events of June 2005, and using existing urban networks, work with the government and Congolese nongovernmental

organizations to ensure that street children are not manipulated or abused in the electoral process.

### **To Donor Governments to the DRC**

- **Raise concern over the DRC's treatment of street children and related abuses.** In bilateral meetings with Congolese authorities, donors should specifically stress to the government and to leaders of political parties the need to protect street children during the electoral process. They should use their influence with the government to seek accountability for law enforcement personnel who abuse children including by extortion and physical and sexual abuse.
- **Emphasize the protection of street children in police training.** In donor funded training programs for law enforcement personnel in crowd control and general policing, ensure that protection of children is included.

### ***Recommendations for the post-election period***

#### **To the government of the Democratic Republic of Congo**

- **Together with international child protection agencies, launch a national awareness campaign that addresses violence and abuse against children accused of sorcery.** Programs should stress the important role that parents and guardians can play in protecting children and remind them that abandonment, abuse and accusations of sorcery are punishable by law.
- **Launch an HIV/AIDS prevention and awareness campaign that specifically refutes the belief that sorcery is a vehicle for transmission of the virus.** Working together with U.N. agencies and international and national nongovernmental organizations, HIV/AIDS prevention campaigns and messages should address the mistakenly held view that HIV/AIDS is transmitted through sorcery. Prevention messages should provide accurate information on how the disease is transmitted and comprehensive information on how people, including young people, can protect themselves from the virus.
- **Create a government task force, led by senior government officials, that focuses on issues of street children.** The task force should serve as a focal point to coordinate awareness campaigns, promote street child protection, and monitor law enforcement practices. The government should solicit international funding for the creation of the task force which should include individuals from national and international nongovernmental organizations.

- **Finalize and enact the draft code of child protection currently under review.** As a matter of priority, the government should complete the redraft of the Children’s Code which provides protection and guarantees against many of the human rights violations related to street children highlighted in this report.
- **End arbitrary arrests and roundups of street children.** Building on efforts by the transitional government, the newly elected government should amend or repeal colonial-era juvenile delinquency laws that criminalize children for vagrancy and begging. Instead, the government should promote family reintegration and assistance to vulnerable children.
- **Enforce the prohibition on physical or sexual abuse of children by police and military personnel.** The government should prosecute any official found guilty of such abuse to the full extent of the law. Prompt investigations of complaints concerning the use and abuse of street children should be conducted, and disciplinary measures and criminal procedures ordered where appropriate.
- **Expand special child protection units of the police to all major cities.** Recognizing the positive role in eastern DRC that officers from child protection units play in expediting cases involving children, limiting their abuse, and promoting their reconciliation with family members, the government should create these units in other urban areas of the country.
- **Ensure that every child deprived of liberty is held separately from adults.** Children should be afforded prompt access to legal assistance and the right to challenge the legality of the deprivation of liberty. Arrest, detention, or imprisonment of children should always be a measure of last resort and then only for the shortest possible time. Children should be protected from all forms of torture and cruel, inhuman or degrading treatment by police, officials and other government employees, and by other detainees.
- **Rehabilitate centers for children in trouble with the law as an alternative to prison.** Ten of the twelve centers created to house juvenile delinquents have fallen into disrepair and misuse. The state should refurbish and reopen these centers to provide alternatives for children in trouble with the law and ensure that the centers promote rehabilitation and provide appropriate education and health care.
- **Immediately launch investigations into churches that practice abusive child deliverance ceremonies.** Pastors or prophets who physically or sexually abuse children should be arrested, charged, and promptly tried in an impartial court of law. The accused should be punished to the maximum extent of the law as stipulated in the newly ratified and adopted constitution that prohibits

accusations of child sorcery, abandonment and abuse.

- **Investigate cases of child abuse in homes where parents or guardians are reported to physically or sexually abuse children.** Specific attention should be placed on cases of abuse related to child sorcery and abandonment as prohibited in Article 41 under the newly ratified constitution. Cases should be immediately referred to the appropriate judicial or social affairs personnel.
- **Prioritize primary education for every child in the DRC.** Recognizing the link between lack of educational opportunity and the number of children living and working on the streets, the government should ensure that all children enjoy their right to free primary education. The government should formulate and put in place a national strategy to progressively reduce and eliminate school fees and other related costs of education that prevent children in the DRC from going to school.

#### **To United Nations Agencies working in the DRC including MONUC**

- **Assist the government in promoting relevant sections of the new constitution that protect children.** Together with the government, launch awareness campaigns that address violence and specifically the abuses against children accused of sorcery. Programs should stress the important role that parents and guardians can play in protecting children and remind parents that abandonment, abuse and accusations of sorcery are punishable by law.
- **Promote national HIV/AIDS awareness campaigns that address the belief that the virus can be transmitted through sorcery.** Prevention messages should refute the view that HIV/AIDS is transmitted through sorcery and should address other local beliefs and practices that may fuel the epidemic and increase abuses against children. National campaigns should provide accurate information on how the disease is contracted and comprehensive information on how people, including young people, can protect themselves from the virus.

#### **To Donor Governments to the DRC**

- **Support comprehensive HIV/AIDS programs.** Donors should fund programs that:
  - provide treatment and care for persons living with AIDS;
  - strengthen legal protections for property inheritance;
  - raise general HIV/AIDS awareness refuting myths and fighting stigma and discrimination;
  - support children orphaned by AIDS; and,

- launch prevention interventions that provide not only comprehensive and accurate information but also information that reduces the vulnerability of youth to the disease.
- **Work with the government to promote children's rights.** Donors to the DRC should consider earmarking assistance for:
  - training for police and law enforcement personnel on the rights of the child and the handling of juvenile cases;
  - creation of a senior government task force that coordinates government action on issues concerning street children;
  - improving conditions in all detention facilities where children are held including the rehabilitation of centers that can provide alternatives to adult prisons for children in trouble with the law;
  - programs that identify and provide assistance to street children and that facilitate the reunification of street children with their families; and,
  - education to help the government admit every child to school— funds should be targeted to assist the government in any shortfall arising from the elimination of school fees and other related costs to parents or guardians for primary education.